

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-45-T - ORDER NO. 2009-92
FEBRUARY 17, 2009

IN RE: Appeal for Non-Placarding Rights for Charleston Black Cab Company) ORDER GRANTING) CONDITIONAL WAIVER) OF PLACARDING) REQUIREMENT
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This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of Charleston Black Cab Company (“the Company”) for a waiver of 26 S.C. Code Ann. Regs. 103-153 (Supp. 2008), which requires marking or identification of motor vehicles (known as “placarding”) which are used for transportation of property or passengers under the jurisdiction of the Commission.

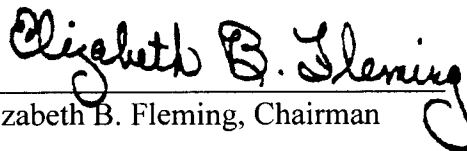
The Company operates a fleet of “London Black Taxis,” sprinter vans, and a Krystal Luxury Mini Coach. Among other things, the Company states that its “London Black Taxis” should not be placarded, because they are rare, specialized vehicles, to which there is no comparison in the American market, and that they are used only as limousines in a luxury market. Further, the Company states that it would lose the majority of its wedding, corporate, and luxury market clientele, if it was forced to placard its vehicles. The only vehicles that are presently exempt from this Commission’s placarding requirements are “prestige” vehicles, such as stretch limousines, towncars, and SUVs as addressed in Order No. 2002-739. See Order No. 2007-832.

The Office of Regulatory Staff (“ORS”) states that, although the “London Black Cabs” do not meet the common definition of limousines which are exempt from the placarding requirements of the regulation, ORS does not oppose the request. ORS does request that the waiver of the regulation be limited to Charleston Black Cab’s “London Black Cabs,” only and not to any other vehicles in the Applicant’s fleet or to this type of vehicle generally which may be owned by other companies. ORS states its belief that specific exemptions from the placarding requirements should be addressed by the Commission on a case by case basis, and not appear to apply industry wide in any way.

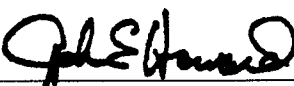
26 S.C. Code Ann. Regs. 103-101 (2) (Supp. 2008) states that this Commission may waive a regulation when strict compliance produces unusual difficulty and is not in the public interest. We do believe that placarding of the Company’s “London Black Cabs” will produce unusual difficulty, since the Company would apparently lose much of its luxury clientele as a result. This is also not in the public interest. Accordingly, we grant the requested waiver from the placarding requirements of 26 S.C. Code Ann. Regs. 103-153. However, the waiver is applicable only to the “London Black Cabs” a/k/a “London Black Taxis” owned by Charleston Black Cab Company. The waiver is not applicable to the other vehicles in the Company’s fleet, nor to “London Black Cabs” owned by any other Company. We do intend to examine requested waivers of the placarding regulation on a case-by-case basis at this time.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)